

**Case No. 21-2263**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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Students for Fair Admissions, Inc.,  
*Plaintiff-Appellant*

v.

University of North Carolina, et al.,  
*Defendants-Appellees*

and

Cecilia Polanco, et al.,  
*Intervenors/Defendants*

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**CONSENT MOTION TO PLACE THE APPEAL IN ABEYANCE  
AND VACATE ALL DEADLINES**

On November 11, 2021, Plaintiff-Appellant, Students for Fair Admissions (SFFA), filed a petition for certiorari before judgment with the Supreme Court in this case. *See* Petition for Certiorari, *SFFA v. University of North Carolina, et al.*, No. 21-707 (S. Ct.). On January 24, 2022, the Supreme Court granted the petition for certiorari before judgment. *See* Order List, *Students for Fair Admissions v. University of North Carolina, et al.*, No. 21-707, <https://bit.ly/3IzXXwg>.

The Supreme Court’s action “transfer[s] the case [to the Supreme Court] for review and determination.” *Forsyth v. City of Hammond*, 166 U.S. 506, 513 (1897). Because this case has now been transferred to the Supreme Court, SFFA requests that this appeal be placed in abeyance and all deadlines vacated, including the February 9, 2022 deadline for SFFA’s opening brief and the joint appendix. *See, e.g., State of New York v. U.S. Dep’t of Commerce*, No. 19-212 (2d Cir. Feb. 19, 2019) (granting motion “that the Court place this appeal in abeyance and vacate all deadlines, in light of the Supreme Court’s grant of certiorari before judgment”); *Whole Woman’s Health v. Judge Austin Reeve Jackson*, No. 21-50792 (5th Cir. Oct. 22, 2021) (same).

Defendants and Defendants-Intervenors consent to this motion.

For the foregoing reasons, the Court should grant SFFA’s motion and place this appeal in abeyance and vacate all deadlines.

Respectfully submitted,

/s/ J. Michael Connolly

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**CERTIFICATE OF COMPLIANCE**

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 220 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f). I further certify that this motion complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5)-(6) because it has been prepared in a proportionally spaced 14-point Century Schoolbook font using Microsoft Word.

/s/ J. Michael Connolly

**CERTIFICATE OF SERVICE**

On January 26, 2022, I electronically filed the foregoing motion, which will notify all counsel of record.

/s/ J. Michael Connolly